

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
AUG 27 2024
AT O'CLOCK
John M. Domurad, Clerk - Plattsburgh

UNITED STATES DISTRICT COURT
for the
Northern District of New York

UNITED STATES OF AMERICA)
v.)
) Case No. 8:24-MJ-391 (GLF)
DIEGO GUISAO ZAPATA)
))
))
))
Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of August 25, 2024, in the county of Clinton in the Northern District of New York the defendants violated:

Code Section
8 U.S.C. § 1324(a)(1)(A)(ii)

Offense Description
The Defendant, knowingly and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, did transport, move and attempt to transport and move, such aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on the attached sheet.

D. Matthews

8/26/2024 1:40PM

Complainant's signature
U.S. Border Patrol Agent Dustin M. Matthews

Printed name and title

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: August 27, 2024

Gary L. Favro

Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

Continuation Sheet, United States v. DIEGO, GUISAO ZAPATA.

This criminal complaint is based on the following facts:

On August 25, 2024, at approximately 0500 hours, Swanton Sector KAD 640 Dispatch advised Burke Border Patrol Agents of multiple images of two subjects crossing on Frontier Road near Churubusco, New York, in close proximity to the International Border of Canada and the United States. Burke Agents (BKB) acknowledged and went to the area to observe common routes used by vehicles that are engaging in illicit cross-border activity in this area, such as human smuggling. While agents were traveling to the reported location of the two subjects, a red Sport Utility Vehicle (SUV) was spotted on Frontier Road. The vehicle was later identified as a 2007 red Cadillac model SRX, bearing New York tags (LKR7253).

As agents approached the area, an agent in a marked border patrol vehicle noticed the red SUV parked on the shoulder of Frontier Road with its break lights on. As the agent tried to get behind the vehicle, the vehicle started traveling towards New York State Route (SR) 189. At this time agents in an unmarked border patrol vehicle got behind the SUV. The vehicle continued traveling towards SR 189 and Liberty Pole Road failing to stop at the stop sign on the intersection of SR 189 and Frontier Road.

As the red SUV continued westbound on Liberty Pole Road, the marked border patrol vehicle continued westbound on Liberty Pole Road. The unmarked patrol vehicle positioned themselves on Robare Pond Road, which is the only other egress point from Liberty Pole Road. The marked patrol vehicle was unable to locate the red SUV while traveling on Liberty Pole Road. Shortly after, agents in the unmarked patrol vehicle observed the same red SUV heading southbound on SR 189 toward their surveillance position.

Once the red SUV passed, the unmarked patrol vehicle continued behind the red SUV south on 189. Agents advised Swanton Sector Radio Dispatch (KAD 640) of the red SUV bearing NY tags LKR7253 and requested a lane check via their service radio. Due to the compiling suspicion observed throughout this encounter, agents activated their emergency equipment to initiate a traffic stop. The SUV immediately yielded to the side of the road. At approximately 0600 hours, agents advised dispatch they conducted a traffic stop on SR 189 and SR 11 with multiple agents present. As the agents approached the vehicle they observed three individuals. They initiated an immigration inspection and identified themselves as United States Border Patrol Agents. Agents spoke with the driver of the vehicle, who was later identified as Diego GUISAO Zapata ("GUISAO"). GUISAO stated he was a citizen of Colombia, and present without documents to legally be in, remain, or pass through the United States.

Front seat passenger identified with initials R.J, stated that he was a citizen of the Dominican Republic, without the proper immigration documents to legally be in, remain, or pass through the United States. The rear seat passenger identified with initials F.R.G, stated that he was a citizen of Mexico, without the proper immigration documents to legally be in, remain, or pass through the United States. All subjects were then placed under arrest and transported to the Burke Border Patrol Station for further processing.

At the Burke Border Patrol Station, biographical information and fingerprints were entered into Department of Homeland Security databases for all three subjects. Record checks confirmed information that was previously gathered roadside.

At the Burke Border Patrol Station, GUISAO was read his *Miranda* rights and agreed to speak with agents without an attorney present. GUISAO stated that he illegally entered the United States from Mexico near San Diego, California. GUISAO said that he was apprehended by Border Patrol and was given a court date in November of 2024. GUISAO stated that he was asked to pick up some people at the border. GUISAO said that he knew the people were in Canada and that they crossed the border. GUISAO stated that he expected to be paid \$250.00 per

Continuation Sheet, United States v. DIEGO, GUISAO ZAPATA.

person and that he was taking them to Plattsburgh, New York. GUISAO said that this was the second time doing this and previously he took people to the bus station in Plattsburgh, New York.